

M I N N E S O T A

# Board of Dentistry • Updates

"To ensure that Minnesota citizens receive quality dental health care from competent dental health care professionals"

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## SPECIAL EDITION!!! UPDATES

This special edition of the Board of Dentistry *Updates* focuses on changes to the Practice Act resulting from the adoption of new rules by the Board and the passage of new laws by the Legislature.

Please contact the Board with any questions related to these changes.



Marshall Shragg  
Executive Director

## NEW LAWS, 2003

The following have been passed by the Legislature, and have been signed into law by the Governor. These statutes become **effective August 1, 2003**.

### **COST RECOVERY/CIVIL PENALTIES**

The Board may impose civil penalties up to \$10,000 per violation:

- to deprive a licensee or registrant of economic advantage gained by the violation, or
- to discourage similar violations by the individual or any other regulated party.

The Board is authorized to impose penalties to reimburse the Board for the costs of investigations and proceedings. The Board may also require a regulated professional to provide unremunerated service, and may censure or reprimand a licensee or registrant.

### **FACULTY LICENSURE**

This law establishes two categories of faculty license. A *limited* faculty license is essentially unchanged from the previous faculty license. The limited faculty license restricts the licensee to teaching and research. A *full* faculty license allows a licensee to engage in intramural or extramural practice, provided that they have a faculty appointment of at least 50% in teaching or research.

*Cont. on Page 2*

## New Laws (Cont. from Page 1)

### **VOLUNTEER AND RETIRED DENTAL PROFESSIONALS**

A regulated dental professional (dentist, dental hygienist, or dental assistant) may request a waiver of CE requirements if retired and providing dental services in public health, community, or tribal clinics or for non-profit organizations that provide services to the indigent or recipients of state-funded programs (MA, GAMC, or MNCare). The services must be provided without compensation to the licensee or registrant, and certain specific courses must be maintained (e.g., infection control, medical emergencies, medical management, and advanced or basic cardiac life support).

### **WAIVER OF CLINICAL EXAMINATION**

Upon request, the Board *shall* waive the clinical examination requirement for a graduate of an accredited dental school who has successfully completed parts I and II of the National Boards and satisfactorily completed an accredited Minnesota-based postdoctoral residency program of at least 1 year. The Board *may* waive the clinical exam requirement for an applicant who has completed a residency program outside of Minnesota.

### **LIMITED AUTHORIZATIONS (COLLABORATIVE AGREEMENTS)**

A number of changes to the Collaborative Agreement subdivision have been made. The law now allows Collaborative Agreements in more settings, and further defines who may enter into an Agreement. Changes include:

- The hygienist entering into an Agreement must have been engaged in the active practice of clinical dental hygiene for not less than 2400 hours in the preceding 18 months, or a career total of not less than 3000 hours including a minimum of 300 hours in 2 of the past 3 years.
- The hygienist must have participated in a course in infection control and medical emergencies within each CE cycle of an Agreement.
- The hygienist must maintain current certification in basic or advanced cardiac life support.
- Permissible services will now include oral health and disease prevention education, application of fluoride varnishes and pit and fissure sealants, and scaling and root planing.
- Collaborating dental hygienists may work with registered or unregistered dental assistants, who may provide those duties for which registration is not required.
- The Board may grant waivers for a dentist to enter into Collaborative Agreements with more than 4 hygienists.
- Various protocols will be required as part of a Collaborative Agreement, including age- and procedure-specific protocols, consent to treatment forms, follow up to sealant placements, procedures for creating and maintaining dental records, etc.

### **RESTORATIVE PROCEDURES**

A Registered Dental Assistant or Licensed Dental Hygienist may perform certain restorative procedures under indirect supervision upon completion of a Board-approved course and issuance of a Restorative Functions credential. The procedures that will be allowed include placing, contouring, and adjusting: (a) amalgam restorations; (b) glass ionomers; and/or (c) class I or class V supragingival composite restorations, whose margins are entirely within the enamel; and adaptation and cementation of stainless steel crowns.



# NEW RULES, 2003

The following changes to the rules have been adopted by the Board, approved by the Chief Judge of the Office of Administrative Hearings, and accepted by the Governor. The changes relate to allowable duties and the level of supervision required for various procedures. These rules have been published in the State Register on June 23, 2003, and become **effective on June 30, 2003**.

The complete language should be read before any changes to your practice are initiated; the full text may be viewed by accessing the Board's web site ([dentalboard.state.mn.us](http://dentalboard.state.mn.us)).

## REGISTERED DENTAL ASSISTANTS

Duties under general supervision:

- A dental assistant may recement intact temporary restorations.
- A dental assistant may place temporary fillings (not including temporization of inlays, onlays, crowns and bridges).

Duties under indirect supervision:

- Some changes to the language related to application of topical medications by registered dental assistants have been adopted.
- Etching enamel surfaces, application, and adjustment of pit and fissure sealants by registered dental assistants have been moved from *direct* to *indirect* supervision. Specific course completion is still required.

Duties under direct supervision:

- A registered dental assistant may remove excess bond material from teeth using rotary instruments after removal of orthodontic appliances. Specific training (see complete rule language) is required for a registered dental assistant to be allowed to utilize rotary instruments.
- Registered dental assistants may now fabricate, cement, and adjust temporary restorations extra- or intra-orally.
- Registered dental assistants may remove temporary restorations with hand instruments only.
- Registered dental assistants may place and remove matrix bands.
- Administration (and monitoring) of nitrous oxide inhalation analgesia by registered dental assistants is now allowed if a maximum dosage has been prescribed for the patient by a dentist, the registered dental assistant maintains currency in CPR certification, fail-safe equipment with positive pressure respiration is utilized, and a 16 hour course from an accredited program has been successfully completed. The registered dental assistant must submit the necessary forms (contact Board for forms) with a certified transcript or official record of course completion to the Board prior to being allowed to administer nitrous oxide.

## LICENSED DENTAL HYGIENISTS

Duties under general supervision:

- Etching enamel surfaces, and application and adjustment of pit and fissure sealants.
- Replace, cement, and adjust intact temporary restorations intra- or extra-orally.
- Removal of marginal overhangs (previously a duty under indirect supervision).

Duties under direct supervision:

- A dental hygienist may fabricate, cement, and adjust temporary restorations.
- A dental hygienist may place and remove matrix bands.
- A dental hygienist may remove excess bond material from teeth using rotary instruments after removal of orthodontic appliances. Specific training (see complete rule language) is required for a dental hygienist to be allowed to utilize rotary instruments.

Note: Regulated dental professionals are responsible for knowing and following the Minnesota Dental Practice Act. The complete language of the laws and rules may be accessed through the Board's web site.

## Procedures That Can Be Delegated

### **DENTAL HYGIENISTS AND REGISTERED DENTAL ASSISTANTS** From Minnesota Rules 3100.8500 and 3100.8700; Minnesota Statute Section 150A.10

General Supervision	Indirect Supervision	Direct Supervision	PROCEDURE
HYG			Perform preliminary charting of the oral cavity and surrounding structures to include case histories and periodontal charting. (This does not infer the making of a diagnosis.)
HYG			Complete prophylaxis to include scaling, root planing, polishing or restorations.
HYG			Dietary analysis, salivary analysis and preparation of smears for dental health purposes.
HYG			Replacement, cementation, and adjustment of intact temporary restorations extraorally or intraorally.
HYG	RDA		Recement intact temporary restorations and place temporary fillings (not including temporization of inlays, onlays, crowns, and bridges) to provide palliative treatment.
HYG	RDA		Cut arch wires, remove loose bands, or remove loose brackets on orthodontic appliances to provide palliative treatment.
HYG		RDA	Remove excess bond material from orthodontic appliances with hand instruments.
		RDA	Remove excess bond material from teeth with rotary instruments after removal of orthodontic appliances. <b>5</b>
HYG			Etch appropriate enamel surfaces, apply and adjust pit and fissure sealants. <b>1</b>
			Administer local anesthesia. <b>2</b>
	HYG		Administer nitrous oxide inhalation analgesia pursuant to the rule provisions. <b>3</b>
	HYG	RDA	Monitor a patient who has been induced by a dentist into nitrous oxide-oxygen relative analgesia.
	HYG		Perform restorative procedures limited to placing, contouring, and adjusting amalgam restorations, glass ionomers, and supragingival composite restorations (class I & V); and adapting and cementing stainless steel crowns. <b>6</b>
HYG			Remove marginal overhangs.
		HYG	Place and remove matrix bands.
		HYG	Fabricate, cement, and adjust temporary restorations extraorally or intraorally.
		HYG	Remove temporary restorations with hand instruments only.
		HYG	Etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist.
HYG			Perform mechanical polishing to clinical crowns not including instrumentation. Removal of calculus by instrumentation must be done by the dentist or dental hygienist before mechanical polishing.
HYG			Take radiographs.
HYG			Remove excess cement from inlays, crowns, bridges and orthodontic appliances with hand instruments only.
HYG			Apply topical medications that are physiologically reversible, topical fluoride, bleaching agents, and cavity varnishes all of which must be prescribed by dentists.
HYG			Take impressions for casts and appropriate bite registration. <b>4</b>
HYG			Place and remove rubber dam.
HYG			Preselect orthodontic bands.
HYG			Place and remove elastic orthodontic separators.
HYG			Remove and replace ligature ties on orthodontic appliances.
HYG			Remove sutures.
HYG			Place and remove periodontal packs.
HYG			Dry root canals with paper points.
HYG			Place cotton pellets and temporary restorative materials into endodontic openings.

HYG = Dental Hygienists

RDA = Registered Dental Assistants

efchart.doc

**Notes and Definitions of Levels of Supervision: See Reverse Side**

## LEVELS OF SUPERVISION

**GENERAL** - The dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan.

**INDIRECT** - The dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed by the allied dental professional.

**DIRECT** - The dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient, evaluates the performance of the allied dental professional.

## NOTES

1. Before the application of pit and fissure sealants, a registered dental assistant must successfully complete a course in pit and fissure sealants at a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation.
2. Before administering local anesthesia, a dental hygienist must successfully complete a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia.
3. Before administering nitrous oxide inhalation analgesia, a dental hygienist or registered dental assistant must successfully complete a course on the administration of nitrous oxide inhalation analgesia. The course must include a minimum of 16 hours of didactic instruction and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration. Forms must be sent to the Board office verifying the training received. Each licensee/registrant must follow the appropriate provisions for administration described within Minnesota Rule 3100.3600.
4. Dental hygienists and registered dental assistants shall not take impressions and bite registrations for final construction of fixed and removable prostheses.
5. Before utilizing rotary instruments for the removal of bond material, a dental hygienist or registered dental assistant must successfully complete a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation.
6. Before performing any or all restorative procedures limited to placing, contouring, and adjusting amalgam restorations, glass ionomers, and class I and class V supragingival composite restorations where the margins are entirely within the enamel; and adapting and cementing stainless steel crowns, a dental hygienist or registered dental assistant must successfully complete a board-approved course on these specific restorative procedures. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation. Licensees/registrants must follow all provisions for restorative procedures under Minnesota Statute Section 150A.10, subd. 4.

Note: This guide is an accurate summary as of the date of this printing. Regulated dental professionals are responsible for knowing and following the Minnesota Dental Practice Act. The complete language of the laws and rules may be accessed through the Board's web site.

# DISCIPLINARY ACTIONS

## Robert Juhnke, D.D.S.

Unconditional License,  
St. Paul, MN  
6/13/03

## Craig Mrosak, D.D.S.

Suspension (Stayed)  
New Hope & Cambridge, MN  
6/13/03

## James Popp, D.D.S.

Unconditional License  
St. Cloud, MN  
6/13/2003

## Definition of Terms:

Conditional License – licensee may continue to practice but must meet specific conditions of Order.

Limited License – licensee may continue to practice but may not perform certain procedures specified in the Order.

Suspended License – licensee may not practice for a specified length of time or until certain conditions are met.

Unconditional license/registration – all terms of the Order have been met, the individual's license/registration is fully restored, and s/he may practice without special conditions or restrictions.

Voluntary Surrender – the individual can no longer practice, as they have agreed to surrender their license as a means to resolve the violations found in their practice by the Board.

Note: The full text of orders enacted since September 9, 2002, may now be viewed on the Board's web site. Go to [dentalboard.state.mn.us](http://dentalboard.state.mn.us), click on "Disciplinary Actions," and click on the highlighted order that you are interested in reviewing.

The Board will be considering additional cases at its September 19, 2003 meeting. The web site will be updated the following week.

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Consumer Member, Vice President (2004) ..... Stillwater  
Linda Boyum, RDA, Secretary (2006) ..... Minnetonka  
John Bengtson, DDS (2007) ..... Fairfax  
Nadene Bunge, DH (2005) ..... Rochester  
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Ronald King, DDS (2007) ..... St. Louis Park  
Gerald McCoy, Consumer Member, EdD (2007) ..... Eden Prairie  
Annie Stone Thelen, DDS (2004) ..... Cold Spring

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